

S. C. R. No. 2, Providing for a joint committee to count votes cast for Governor and Lieutenant Governor.

Respectfully,  
MORRIS C. HANKINS,  
Assistant Secretary of the Senate.

#### TO ARRANGE FOR COUNTING THE VOTES FOR GOVERNOR AND LIEUTENANT GOVERNOR.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 2; To arrange for counting the votes for Governor and Lieutenant Governor.

Resolved by the Senate of Texas, the House of Representatives concurring, That the President of the Senate appoint five Senators and the Speaker of the House of Representatives appoint five members of the House of Representatives to count votes in the recent election for Governor and Lieutenant Governor, and to make all necessary arrangements for their inauguration.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker announced the appointment the following committee on the part of the House:

Messrs. Petsch, chairman; Parrish of Travis, Stout, Shaver and Satterwhite.

#### SENATE NOTIFIED.

The committee appointed to notify the Senate that the House is now organized and ready for the transaction of business appeared at the bar of the House and, being duly announced, stated that they had performed the duty assigned them.

#### GOVERNOR NOTIFIED.

The committee appointed to notify the Governor that the House is now organized and ready for the transaction of business appeared at the bar of the House and, being duly announced, stated that they had performed the duty assigned them.

#### SENATE CONCURRENT RESOLUTION ON FIRST READING.

The following Senate concurrent resolution was laid before the House, read first time, and referred to the appropriate committee as follows:

S. C. R. No. 1, to the Committee on Rules.

(Speaker in the chair.)

#### ADJOURNMENT.

On motion of Mr. Wallace of Free-stone, the House, at 3 o'clock p. m., adjourned until 2 o'clock p. m. tomorrow.

#### THIRD DAY.

(Thursday, January 13, 1927.)

The House meet at 2 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Bobbitt.

The roll was called, and the following members were present:

Acker.	Holder.
Albritton.	Holland.
Alexander.	Hornaday.
Anderson.	Jacks.
Avis.	Johnson.
Barnett.	Jones.
Barron.	Justice.
Bass.	Kayton.
Bateman.	Kemble.
Beck.	Kennedy.
Black.	Kincaid.
Bobbitt.	King of Hopkins.
Boggs.	King
Bonham.	of Throckmorton.
Boon.	Kinnear.
Branch.	Kirby.
Brown.	Kirkland.
Conway.	Kittrell.
Cornwell.	Land.
Covey.	Lipscomb.
Cox.	Loftin.
Cummings.	Long.
Dale.	Loy.
Daniel.	McCombs.
Davis.	McGill.
DeBerry.	McKean.
Denman.	Masterson.
Dielmann.	Merritt.
Dunlap.	Minor.
Durham.	Moore.
Duvall.	Montgomery.
Eickenroht.	Morse.
Enderby.	Moursund.
Farrar.	Murphy.
Faulk.	Nabors.
Finlay.	Nicholson.
Fly.	Olsen.
Forbes.	Parish of Runnels.
Fuchs.	Parrish of Travis.
Gates.	Pavlica.
Gibson.	Pearce.
Gilbert.	Petsch.
Graves.	Poage.
Gray.	Pope.
Hagaman.	Porter.
Hall.	Powell.
Harding.	Purl.
Harman.	Ramsey.
Hefley.	Rawlins.
High.	Reagan.

Renfro of Angelina	Taylor.
Renfro of Mills.	Teer.
Rogers of Hays.	Tillotson.
Rogers of Shelby.	Turner.
Rowell.	Van Zandt.
Runge.	Veatch.
Sanders.	Waddell.
Satterwhite.	Walker.
Shaver.	Wallace
Shearer.	of Freestone.
Sheats.	Wallace
Shirley.	of Panola.
Simmons.	Wallace of Smith.
Sinks.	Ware.
Smith of El Paso.	Wassell.
Smith of Nueces.	Webb.
Smith of Smith.	Wells.
Smyth.	Whitaker.
Snelgrove.	Williams of Sabine.
Stell.	Williams
Stevenson.	of Travis.
Storey.	Williamson.
Stout.	Woodall.
Sutton.	Woodruff.
Swain.	Young.

Absent.

Bird.

Absent—Excused.

Foster.	Smith
Kenyon.	of Atascosa.
Pool.	

A quorum was announced present.  
Prayer was offered by Rev. J. C. Mitchell, Chaplain.

#### LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Foster for today, on motion of Mr. Kemble.

Mr. Kenyon for today and the balance of the week, on motion of Mr. Shearer.

Mr. Smith of Atascosa for today, on motion of Mr. Shearer.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, January 13, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 1; A bill to be entitled "An Act providing \$185,000 for mileage and per diem and contingent expenses of the Fortieth Legislature, and declaring an emergency."

S. B. No. 5, A bill to be entitled "An Act amending Chapter 115. Local

and Special Laws of the Regular Session of the Thirty-fifth Legislature, same being a special road law for Duval county, by adding thereto Sections 17, 18, 19, 20, 21, 22 and 23; validating an election for the issuance of special road bonds of said county; enacting provisions necessary and incidental to the subject and purpose of this act, and declaring an emergency."

S. B. No. 6, A bill to be entitled "An Act amending Chapter 115, Local and Special Laws, Regular Session, Thirty-fifth Legislature of the State of Texas, entitled 'An Act to create a more efficient road law for Duval county, Texas, etc.,' to permit the issuance of refunding bonds for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and declaring an emergency."

The Senate announces the appointment of the following committee to act with the committee appointed by the House to canvass the votes cast for Governor and Lieutenant Governor and make arrangements for inauguration:

Senators Westbrook, Wood, Wirtz, Price and Lewis.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees as follows:

By Mr. Kittrell:

H. B. No. 27, A bill to be entitled "An Act to amend Article 9, Title 1, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 28, A bill to be entitled "An Act to amend Article 942 of Title 27 of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 29, A bill to be entitled "An Act to amend Article 1903 of Chapter 2, Title 40, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 30, A bill to be entitled

"An Act to amend Article 2162 of Chapter 8, Title 42, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 31, A bill to be entitled "An Act to amend Article 2249 of Chapter 12, Title 42, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 32, A bill to be entitled "An Act to amend Article 2253 of Chapter 12, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 33, A bill to be entitled "An Act to amend Article 2274 of Chapter 12, Title 42, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 34, A bill to be entitled "An Act to amend Article 2312 of Chapter 13, Title 42, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 35, A bill to be entitled "An Act to amend Article 2494 of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 36, A bill to be entitled "An Act to amend Article 2496 of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 37, A bill to be entitled "An Act to amend Article 3351 of Chapter 5, Title 54, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 38, A bill to be entitled "An Act to amend Article 3654 of Chapter 26, Title 54, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 39, A bill to be entitled "An Act to amend Article 3726 of Title 55, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 40, A bill to be entitled "An Act to amend Article 3872, Title 60, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 41, A bill to be entitled "An Act to amend Article 3990, of Title 64, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 42, A bill to be entitled "An Act to amend Article 3996 of Title 65, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 43, A bill to be entitled "An Act to amend Article 4231 of Chapter 10, Title 69, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 44, A bill to be entitled "An Act to amend Article 4676 of Title 77, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 45, A bill to be entitled "An Act to amend Article 4930 of Chapter 11, Title 78, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 46, A bill to be entitled "An Act to amend Article 6384 of Chapter 8, Title 112, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 47, A bill to be entitled "An Act to amend Article 6424 of Chapter 9, Title 112, of the Revised Civil

Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell:

H. B. No. 48, A bill to be entitled "An Act to amend Article 8306, Part 1, Title 130, of the Revised Civil Statutes of 1925, by adding thereto a section to be known as Section 11a, defining total and permanent injuries, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Bass, Mr. Boon and Mr. Porter:

H. B. No. 49, A bill to be entitled "An Act authorizing the Commissioner of Agriculture to establish, maintain and enforce quarantine regulations to protect the agricultural and horticultural interests of this State against infestation by insect pests and plant diseases; to prohibit or restrict the sale and transportation of such plants and plant products as are known to carry insect pests and plant diseases; to have full power to deal with dangerous fruit and crop pests and plant diseases in such manner as may be necessary to carry into effect provisions of this act; to have authority to declare 'pest-free' zones; providing for hearings to be held by the chief entomologist of the Department of Agriculture and others that may be designated."

Referred to Committee on Agriculture.

By Mr. Beck:

H. B. No. 50, A bill to be entitled "An Act to regulate motor propelled passenger vehicles not usually operated on or over rails and engaged regularly in the business of transporting passengers for compensation for hire over the public highways of the State; defining motor bus companies and declaring them to be common carriers; excepting motor bus companies operating wholly within an incorporated town or city and suburbs thereof; defining the terms 'corporation,' 'person,' 'public highway,' 'Highway Commission' and 'Commission'; providing for the issuance of certificates of convenience and necessity to motor bus companies, and prescribing the conditions upon which such certificate may be issued; requiring the Railroad Commission of Texas to supervise and regulate the public service rendered by every motor bus company; to fix or approve maximum and minimum fares, rates or charges; to prescribe all rules and regulations necessary for the government of motor bus companies, etc."

Referred to Committee on Highways and Motor Traffic.

By Mr. Wells:

H. B. No. 51, A bill to be entitled "An Act to amend Section 1 of Article 7047, Title 122, Chapter 1, Revised Civil Statutes of Texas, 1925, relating to occupation taxes on itinerant merchants, by substituting therefor Section 1, Section 1a, Section 1b and Section 1c, imposing an occupation tax on persons beginning or desiring to begin a transient retail business for the sale of goods, wares or merchandise; fixing penalty; making certain exemptions; repealing all laws in conflict, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Gray, Mr. Satterwhite and Mr. Young:

H. B. No. 52, A bill to be entitled "An Act to amend House bill No. 369 of the Acts of the Thirty-ninth Legislature, Regular Session, Chapter 86, and providing for the reorganization of the Thirty-first Judicial District of Texas; naming the counties constituting the same; creating and organizing the One Hundred and Seventh Judicial District of Texas, and naming the counties therein; fixing the times and terms of the district courts, etc."

Referred to Committee on Judicial Districts.

By Mr. McGill and Mr. Smith of El Paso:

H. B. No. 53, A bill to be entitled "An Act to amend Article 288 of the Penal Code of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature of 1925, so as to make it lawful to teach the Spanish language in the elementary grades in public free schools in counties bordering on the boundary line between the United States and the Republic of Mexico having a city or cities of a population of fifty thousand inhabitants or more, according to the United States census of 1920, and declaring an emergency."

Referred to Committee on Education.

By Mr. Gill and Mr. Smith of El Paso:

H. B. No. 54, A bill to be entitled "An Act to amend Article 3116 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925,

regulating the assessment of candidates for the payment of primary expenses and providing that no candidate's name shall be placed upon the ballot unless he shall have paid his share of such expense, so as to limit the amount required to be paid by candidates for Chief Justice or Associate Justice of a Court of Civil Appeals, or for Representative in Congress, or, for district judge, or district attorney, or any other district office in representative or judicial districts composed of four or more counties and declaring an emergency."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Daniel:

H. B. No. 55, A bill to be entitled "An Act amending Section 1 of an act passed by the Thirty-ninth Legislature of Texas, and being Chapter 87 of the Acts of Regular Session of the Thirty-ninth Legislature, constituting and organizing Courts of Civil Appeals therein, creating the Twelfth Supreme Judicial District of Texas, with Wichita Falls as the site of said court; providing for the appointment and qualification of the judges of said Twelfth Supreme Judicial District and other officers thereof; providing for the transfer of cases and regulating appeals from the lower courts of the counties constituting said Twelfth Supreme Judicial District of Texas; making appropriations for the support of said court, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. McGill:

H. B. No. 56, A bill to be entitled "An Act to amend Article 3392 of the Revised Civil Statutes of Texas, 1925, relating to county clerks and their compensation for ex-officio and other public services rendered, so as to provide that the total amount paid the county clerk in one year shall not be less than fifty nor more than fifteen hundred dollars, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Gray and Mr. McCombs:

H. B. No. 57, A bill to be entitled "An Act to amend Articles 2238, 2239 and 2240, of the Revised Civil Statutes of Texas of 1925, by adding Articles 2242a and 2241b, providing that if appellant or his attorney delivers bills of exceptions and statements of fact to appellee or his attorney, and same are not returned to the appellant or his attorney, approved or disapproved within

ten days after same have been delivered to him, the judge of the trial court shall thereupon, on proof being offered by appellant or his attorney that ten days or more have elapsed and that said bills of exceptions and statements of facts have not been returned to appellant or his attorney, make out and file proper bills of exceptions and statement of facts."

Referred to Judiciary Committee.

By Mr. Satterwhite:

H. B. No. 58, A bill to be entitled "An Act providing for the Board of Directors of the State Prison System to develop plans for a practical concentration and organization of the State Prison System; and that when such a plan has been agreed upon by the board, their report shall be filed with the Governor, who will submit it to the Legislature for such consideration as the Legislature may deem to the best interest of the State Prison System, and declaring an emergency."

Referred to Committee on Penitentiaries.

By Mr. Satterwhite and Mr. Turner:

H. B. No. 59, A bill to be entitled "An Act providing for the defining of a policy managing and operating the State Prison System and for the appointment of a board of directors, composed of nine persons, to be appointed by the Governor with six-year terms; defining the duties of said board of directors; providing for the appointment of a general manager of the prison system; defining the duties and providing for the compensation of such general manager; providing that under unforeseen, calamitous conditions, such as failure of crops, etc., prisoners may be worked on public works, etc., and declaring an emergency."

Referred to Committee on Penitentiaries.

By Mr. Gilbert:

H. B. No. 60, A bill to be entitled "An Act to appropriate four million eight hundred thousand dollars, or so much thereof as may be necessary, out of the general revenue, not otherwise appropriated, to supplement the State available school fund derived from all other sources for the support and maintenance of the public free schools of the State of Texas for the scholastic year beginning September, 1, 1927, and ending August 31, 1928."

Referred to Committee on Appropriations.

By Mr. Gray and Mr. King of Hopkins:

H. B. No. 61, A bill to be entitled "An Act to amend Article 1558 of the Penal Code of the State of Texas of 1925, fixing the penalty for disposing of mortgaged personal property and defining evidence that will constitute a prima facie case of guilt."

Referred to Judiciary Committee.

By Mr. Land:

H. B. No. 62, A bill to be entitled "An Act to amend Chapter 28 of the Local and Special Laws enacted by the Thirty-third Legislature at its Regular Session in 1913, same being a Special Road Law for Childress county, by adding thereto Section 2a, authorizing the commissioners court of Childress county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Harman:

H. B. No. 63, A bill to be entitled "An Act amending Article 1087 of the Code of Criminal Procedure of the State of Texas, relating to the arrest and custody of a delinquent child or children, so as to provide for the detention of such a child or children in counties having a population of fifty thousand or more, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Harman:

H. B. No. 64, A bill to be entitled "An Act amending Article 534 of the Penal Code of the State of Texas, making it a penal offense for any person to cause, encourage or contribute to the delinquency of any minor under the age of seventeen years, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Harman:

H. B. No. 65, A bill to be entitled "An Act requiring counties with a popu-

lation of fifty thousand or over to build or provide a detention home for the purpose of incarcerating therein delinquent children, separate and apart from the county jail, in which no person other than delinquent children shall be confined, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Barnett and Mr. Holder:

H. B. No. 66, A bill to be entitled "An Act to amend Articles 643 and 644, Chapter 6, Title 11, of the Penal Code of the State of Texas, relating to betting on public elections, and define public elections; declaring the offense to be a felony, and prescribing a penalty for violation."

Referred to Committee on Criminal Jurisprudence.

By Mr. Parrish of Travis, Mr. Williams of Travis, Mr. Kittrell, Mr. Kirby and Mr. Sinks:

H. B. No. 67, A bill to be entitled "An Act to make appropriations for heating the buildings and for repairing the roof of the old Land Office now used by the Daughters of the Republic of Texas and the United Daughters of the Confederacy as museums."

Referred to Committee on Appropriations.

By Mr. Gray:

H. B. No. 68, A bill to be entitled "An Act creating a more efficient road system for Hemphill county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing\* that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof."

Referred to Committee on Highways and Motor Traffic.

By Mr. Sanders:

H. B. No. 69, A bill to be entitled "An Act levying a State occupation tax on every person, firm, partnership, company, corporation, association, receiver, trustee, common law trust or other concern selling at retail cigars and cigarettes; defining person; defining wholesaler; defining retailer, to include sales to consumers in any quantity; enacting the necessary provisions to enforce the collection of the tax and

to accomplish the purpose of the act; prescribing penalties for failure to comply with the requirements of the act; providing for reports to be made by retailers to the Comptroller of all purchases made and of all sales made and for payment of the tax; providing for wholesalers to report to the Comptroller all sales made to the retailers in Texas; providing for the disposition of funds received; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Lipscomb, Mr. Beck, Mr. Duvall and Mr. Harding:

H. B. No. 70, A bill to be entitled "An Act to create 'The County Criminal Court' for Tarrant county, Texas; to define the jurisdiction thereof, and to conform to such change the jurisdiction of the county court of Tarrant county; fixing the salary of the judge of said court; providing for the appointment and election of the judge of said court hereby created; providing for the appointment of special judge and filling of vacancies in said office; providing for an official shorthand reporter for said court; providing a saving clause, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Woodall:

H. B. No. 71, A bill to be entitled "An Act to amend Chapter 172 of the General Laws of the Regular Session of the Thirty-ninth Legislature, Section 5, page 388, relating to the preservation and propagation of all wild animals, wild birds and wild fowls of this State, and amending Chapter 6 of the Revised Criminal Statutes, Article 878, page 197, relating to division into zones for the time limits as to hunting game; making provisions for a change in bounadry from Longview to Loraine on the Louisiana state line instead of from Longview to Texarkana, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Dale, Mr. Wallace of Free-stone, Mr. Williams of Travis, Mr. Alexander, Mr. Sutton, Mr. Hall, Mr. Storey, Mr. Brown, Mr. Bateman and Mr. Loftin:

H. B. No. 72, A bill to be entitled "An Act to amend Chapter 5, Acts of the Third Called Session of the Thirty-eighth Legislature, Article 7065, Revised Civil Statutes of 1925, by providing for an occupation tax upon wholesale dealers in gasoline equal to three cents

per gallon on all such gasoline so sold by any such dealer; repealing all laws in conflict with said amendment, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Sanders:

H. B. No. 73, A bill to be entitled "An Act to provide for refunding certain bonds of the State of Texas, now owned by the Permanent School Fund; providing for the execution of new bonds in lieu thereof; providing method of exchange of said bonds; making appropriation to pay accrued interest and to pay expense of lithographing bonds, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Moore:

H. B. No. 74, A bill to be entitled "An Act to amend Article 7065 of the Revised Civil Statutes of Texas of 1925, so as to increase the State occupation tax on gasoline from one cent per gallon to three cents per gallon, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Enderby:

H. B. No. 75, A bill to be entitled "An Act to further regulate the contest of certificates of nomination in primary elections by amending Article 3152 of the Revised Civil Statutes of 1925."

Refererd to Committee on Privileges, Suffrage and Elections.

By Mr. Sinks et al.:

H. B. No. 76, A bill to be entitled "An Act to amend Articles 3101, 3102, 3111, 3115, 3117, 3127, 3134, 3135, 3136, 3137, 3139, 3140, 3146, 3148 and 3152 of Title 50, Chapter 13, of the Revised Civil Statutes of Texas, 1925, relating to primary elections; and to repeal Article 3138 of said title and chapter of said statutes, and also to repeal Articles 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098 and 3099 of said Title 50, Chapter 12, of said statutes, and all other laws and parts of laws in conflict therewith, and to declare an emergency."

Referred to Judiciary Committee.

By Mr. Tillotson and Mr. Williamson:

H. B. No. 77, A bill to be entitled "An Act to amend Articles 6673 and 6674 of Chapter 1, of Title 116, Revised Civil Statutes of 1925, which articles

relate to the compensation of the Highway Commission, the purchase of supplies for the operation of the Highway Department, and the establishment, construction and maintenance of highways."

Referred to Committee on Highways and Motor Traffic.

By Mr. Tillotson et al.:

H. B. No. 78, A bill to be entitled "An Act to amend Article 7065, Revised Civil Statutes of 1925, which article provides for the collection of an occupation tax of one cent a gallon on all gasoline in intrastate commerce in Texas; provides for a record of all such sales by those subject to the tax, etc.; and provides for the increase in the occupation tax on gasoline from one cent a gallon to two cents a gallon, and provides this amendment shall be effective on and after April 1, 1927, repealing the article herein amended as of that date."

Referred to Committee on Revenue and Taxation.

By Mr. Tillotson et al.:

H. B. No. 79, A bill to be entitled "An Act to amend Article 6674, Revised Civil Statutes of 1925, by adding a subsection thereto, to be designated as 'a,' and which subsection provides for the registration of motor vehicles in this State by non-residents of the State and the conditions for such registration."

Referred to Committee on Highways and Motor Traffic.

By Mr. Dielmann et al.:

H. B. No. 80, A bill to be entitled "An Act to change the names and designation of the county court of Bexar county for civil cases to the 'County Court at Law No. 1 of Bexar County,' and the county court of Bexar county, for criminal cases to the 'County Court at Law No. 2 of Bexar county, Texas.'"

Referred to Judiciary Committee.

By Mr. Rawlins:

H. B. No. 81, A bill to be entitled "An Act to amend Article 577 of the Code of Criminal Procedure."

Referred to Committee on Criminal Jurisprudence.

By Mr. Rawlins:

H. B. No. 82, A bill to be entitled "An Act to permit every person charged with a felony to be given an opportunity to make a statement immediately after his arrest before a justice of the peace or other judicial officer."

Referred to Committee on Criminal Jurisprudence.

By Mr. Holder:

H. B. No. 83, A bill to be entitled "An Act amending Section 31, Article 7047, of the Revised Civil Statutes of Texas, 1925, providing an operation tax on coin operated vending machines, such as phonographs, electric pianos, etc."

Referred to Committee on Revenue and Taxation.

By Mr. Smith of Atascosa:

H. B. No. 84, A bill to be entitled "An Act to amend Section 19, Chapter 25, of the Acts of the Thirty-ninth Legislature of the State of Texas, by providing for action by commissioners courts upon hearing of petition for organization of water control and improvement districts; and to amend Section 32, Chapter 25, of the Acts of the Thirty-ninth Legislature of the State of Texas, by authorizing change of tax levy where new tax rolls are made for such districts; and to amend Section 70, Chapter 25, of the Acts of the Thirty-ninth Legislature of the State of Texas, by fixing a lien on property for taxes, etc."

Referred to Committee on Conservation and Reclamation.

#### HOUSE JOINT RESOLUTIONS ON FIRST READING.

The following House joint resolutions, introduced today, were laid before the House, read severally first time, and referred to the Committee on Constitutional Amendments:

By Mr. Boggs:

H. J. R. No. 1, Proposing an amendment to the Constitution, so as to authorize the Legislature to make conclusive that taxes have been paid on property where a receipt is issued by the tax collector for any particular year.

By Mr. Tillotson and Mr. Williamson:

H. J. R. No. 2, Proposing an amendment to Section 24 of Article XVI of the Constitution of the State of Texas, to provide authority to the Legislature to make provision for the establishment, construction and maintenance of a State system of public roads and highways and bridges thereon; that the Legislature shall provide a district fund for the accomplishment of such purposes, and may direct by general law that occupation taxes on all products of gas or petroleum, and a license fee on motor vehicles be assigned as sources of revenue to such highway fund.

By Mr. Tillotson:

H. J. R. No. 3, Proposing to amend Section 3 of Article VII of the Constitution of the State of Texas, which section relates to the support and organization of the public free schools of the State; and which proposed amendment provides that the Legislature shall levy and collect such annual ad valorem State tax, supplementing the available school funds from other sources, as will be sufficient to support the public free schools for a period of not less than nine (9) months each year; providing legislative discretion for such levy and collection of tax to be made on the basis of scholastic census, or enrollment, in the public schools of the State, with authority to define enrollment, as such census or enrollment may be ascertained in accordance with law.

By Mr. Tillotson:

H. J. R. No. 4, Proposing an amendment to Article XVI of the Constitution of the State of Texas, by the addition of a new section to said Article XVI, to be numbered Section 65, providing legislative authority for the enactment of laws to encourage the conservation of the timber resources of the State, and for the reforestation of deforested lands; for the administration of such laws; for the time and manner of voting upon such proposed constitutional amendment; defining certain duties of the Governor in connection therewith; and making an appropriation to defray expenses of proclamation, publication and election.

By Mr. Boggs:

H. J. R. No. 5, Proposing an amendment to the Constitution, so as to make taxable University lands in the county where located.

By Mr. Boggs:

H. J. R. No. 6, Proposing an amendment to the Constitution, so as to increase the per diem of members of the Legislature.

#### TEMPORARY COMMITTEE ON APPROPRIATIONS.

The Speaker announced the appointment of the following temporary Committee on Appropriations:

Messrs. Wallace of Freestone, Chairman; Hagaman, Conway and Dielmann.

#### EMPLOYES OF THE HOUSE.

The Speaker announced the appointment of the following employees of the House:

Permanent Stenographers—Lena Weston, Edith Bibolet, Bess Woods, M. N. Frnka, Mary Copeland, Caroline Lowenstein, Pearl Williams, Opel Winn, Frances Payne, Ruth Cowie, Emmogene Willis, Lorna Hatch, Genevive Koch, Vernon Elledge, Eleanor Kirk, Helen Young, Gladys Whitley, Norine Nachtrab, Olga Swiedom.

George J. Cox, Assistant Sergeant-at-Arms.

DeMauri Terry, page to the Speaker.

Porters—Aaron Jones, James Holland, Henry Scoggins, Jack Blocker, Joe E. Johnson, Milton Noble, Rufus Pope, Sylvester Bright, Lindsey Goodman, Isaiah Smith, Henry Moore, Tom Kincheon.

#### SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees as follows:

Senate bill No. 1, to the Committee on Appropriations

Senate bill No. 5, to the Committee on Highways and Motor Traffic.

Senate bill No. 6, to the Committee on Highways and Motor Traffic.

(Mr. Satterwhite in the chair.)

#### OATH OF OFFICE ADMINISTERED.

The Speaker appointed Mr. Loftin and Mr. Poage as a committee to escort Hon. George C. Purl, Representative-elect for the Fiftieth District, to the Speaker's stand, in order that the constitutional oath of office might be administered to him.

The committee having performed their duty, the constitutional oath of office was then administered to him by the Speaker.

#### SENATE BILL NO. 1 ON SECOND READING.

Mr. Wallace of Freestone moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 1 be placed on its second reading and passage, to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—135.

Mr. Speaker.  
Acker.  
Albritton.

Alexander.  
Anderson.  
Avis.

Barnett.	McKean.	Williamson.	Woodruff.
Barron.	Masterson.	Woodall.	Young.
Bass.	Minor.		Absent.
Bateman.	Moore.		
Beck.	Montgomery.	Bird.	Merritt.
Black.	Morse.	Hagaman.	Petsch.
Bobbitt.	Moursund.	Holland.	Rowell.
Boggs.	Murphy.	Hornaday.	Williams
Bonham.	Nabors.	Loftin.	of Travis.
Boon.	Nicholson.		
Branch.	Olsen.		Absent—Excused.
Brown.	Parish of Runnels.	Foster.	Smith
Conway.	Parrish of Travis.	Kenyon.	of Atascosa.
Cornwell.	Pavlica.	Pool.	
Covey.	Pearce.		
Cox.	Poage.		
Cummings.	Pope.		
Dale.	Porter.		
Daniel.	Powell.		
Davis.	Purl.		
DeBerry.	Ramsey.		
Denman.	Rawlins.		
Dielmann.	Reagan.		
Dunlap.	Renfro of Angelina.		
Durham.	Renfro of Mills.		
Duvall.	Rogers of Hays.		
Eickenroht.	Rogers of Shelby.		
Enderby.	Runge.		
Farrar.	Sanders.		
Faulk.	Satterwhite.		
Finlay.	Shaver.		
Fly.	Shearer.		
Forbes.	Sheats.		
Fuchs.	Shirley.		
Gates.	Simmons.		
Gibson.	Sinks.		
Gilbert.	Smith of El Paso.		
Graves.	Smith of Nueces.		
Gray.	Smith of Smith.		
Hall.	Smyth.		
Harding.	Snelgrove.		
Harman.	Stell.		
Hefley.	Stevenson.		
High.	Storey.		
Holder.	Stout.		
Jacks.	Sutton.		
Johnson.	Swain.		
Jones.	Taylor.		
Justice.	Teer.		
Kayton.	Tillotson.		
Kemble.	Turner.		
Kennedy.	Van Zandt.		
Kincaid.	Veatch.		
King of Hopkins.	Waddell.		
King	Walker.		
of Throckmorton.	Wallace		
Kinnear.	of Freestone.		
Kirby.	Wallace		
Kirkland.	of Panola.		
Kittrell.	Wallace of Smith.		
Land.	Ware.		
Lipscomb.	Wassell.		
Long.	Webb.		
Loy.	Wells.		
McCombs.	Whitaker.		
McGill.	Williams of Sabine.		

The Speaker then laid before the House, on its second reading and passage to third reading,  
 S. B. No. 1, A bill to be entitled "An Act providing \$185,000 for mileage and per diem and contingent expenses of the Fortieth Legislature, and declaring an emergency."  
 The bill was read second time and was passed to third reading.  
 SENATE BILL NO. 1 ON THIRD READING.  
 The Speaker then laid Senate bill No. 1 before the House on its third reading and final passage.  
 The bill was read third time and was passed by the following vote:  
 Yeas—127.  
 Mr. Speaker. Enderby.  
 Acker. Farrar.  
 Albritton. Faulk.  
 Alexander. Finlay.  
 Anderson. Fly.  
 Avis. Forbes.  
 Barnett. Fuchs.  
 Bateman. Gates.  
 Beck. Gibson.  
 Bird. Gilbert.  
 Black. Graves.  
 Bobbitt. Gray.  
 Bonham. Hall.  
 Boon. Harding.  
 Branch. Harman.  
 Brown. Hefley.  
 Conway. High.  
 Cornwell. Holder.  
 Covey. Holland.  
 Cox. Jacks.  
 Cummings. Johnson.  
 Dale. Jones.  
 Daniel. Justice.  
 Davis. Kayton.  
 DeBerry. Kemble.  
 Denman. Kennedy.  
 Dielmann. Kincaid.  
 Duvall. King of Hopkins.  
 Eickenroht.

King	Satterwhite.
of Throckmorton.	Shaver.
Kinnear.	Shearer.
Kirby.	Sheats.
Kirkland.	Shirley.
Kittrell.	Simmons.
Land.	Sinks.
Lipscomb.	Smith of El Paso.
Loftin.	Smith of Nueces.
Long.	Smith of Smith.
Loy.	Smyth.
McCombs.	Snelgrove.
McGill.	Stell.
McKean.	Stevenson.
Masterson.	Storey.
Merritt.	Stout.
Minor.	Sutton.
Moore.	Swain.
Montgomery.	Taylor.
Morse.	Tillotson.
Moursund.	Turner.
Murphy.	Van Zandt.
Nabors.	Veatch.
Olsen.	Walker.
Parish of Runnels.	Wallace
Parrish of Travis.	of Freestone.
Pavlica.	Wallace
Pearce.	of Panola.
Poage.	Wallace of Smith.
Pope.	Ware.
Porter.	Wassell.
Powell.	Webb.
Purl.	Wells.
Ramsey.	Whitaker.
Reagan.	Williams of Sabine.
Renfro of Angelina	Williams
Renfro of Mills.	of Travis.
Rogers of Hays.	Williamson.
Rogers of Shelby.	Woodall.
Runge.	Woodruff.
Sanders.	Young.

Absent.

Barron.	Nicholson.
Bass.	Petsch.
Boggs.	Rawlins.
Dunlap.	Rowell.
Durham.	Teer.
Hagaman.	Waddell.
Hornaday.	

Absent—Excused.

Foster.	Smith
Kenyon.	of Atascosa.
Pool.	

#### ADDRESS BY HON. T. W. DAVIDSON.

Mr. Woodall offered the following resolution:

Whereas, A man prominent in State affairs, an excellent citizen of Texas, former Lieutenant Governor, former State Senator and President of the Texas Bar Association, Hon. T. W. Davidson of Marshall, is now in the city of Austin; and

Whereas, Mr. Davidson is prominently associated with the movement to better existing conditions with reference to our State laws; therefore, be it

Resolved, That the House of Representatives extend the privileges of the floor, and invite Mr. Davidson to address the House, and that a committee be appointed by the Speaker to escort the gentleman to the platform.

Signed—Woodall, Gibson, Smith of Smith, Durham, Van Zandt and Long.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee to escort Mr. Davidson to the Speaker's stand:

Messrs. Woodall, Long and Smith of Smith.

The committee having performed their duty, the Speaker presented Mr. Woodall, who in turn introduced Hon. T. W. Davidson.

Hon. T. W. Davidson then addressed the House.

#### PROVIDING FOR REGULATING THE HOURS OF THE STENOGRAPHIC FORCE.

Mr. Farrar offered the following resolution:

Whereas, During the sitting of the House, and the day sessions, the duties of the members are such that they have little time or opportunity to attend to correspondence, framing bills, amendments or other work requiring the aid of a stenographer; and

Whereas, It has been the practice that upon the afternoon adjournment the stenographic forces are released and the members of the House are left without stenographic help for their duties in the matters referred to above, by reason of which the service is impaired; therefore, be it

Resolved, That the Speaker is empowered and it shall be his duty to so regulate the hours of service of the stenographic force as will best subserve the necessities and usefulness of the members of this House;

Therefore, to that end and purpose he shall consult the convenience of the stenographic force, but shall have plenary power to designate such number of stenographers as in his judgment may be necessary who shall not go on duty before one o'clock p. m., and shall not be excused from duty before ten o'clock p. m., except for one hour for supper, which may be fixed by the Speaker.

While the number of such afternoon stenographers shall be in the discretion of the Speaker, yet it is suggested at this time that the number be not less than nine.

It is further resolved, That nothing in this regulation shall exempt any of the regular stenographers, not designated by the Speaker, under this resolution from full service as required by the rules of this House.

Signed—Farrar, Teer, Petsch, Poage.

The resolution was read second time and was adopted.

#### PROVIDING FOR POSTAGE FOR MEMBERS.

Mr. Harman offered the following resolution:

Resolved, That the Speaker be allowed thirty-five dollars (\$35.00) for postage stamps, and that each of the other members be allowed thirty dollars (\$30.00), and the Sergeant-at-Arms and the Chief Clerk be allowed \$15.00 each for postage stamps, to be paid out of the contingent fund of the House.

Resolved, That the postoffice box rent of the members of the House shall be paid out of the contingent fund of the House, upon approval of the Contingent Expense Committee.

Resolved, That all requisitions for paper and supplies necessary for the preparation of bills, for the enrolling and engrossing room, the minute books and blank paper for use of committees, the letterheads, envelopes, etc., to be used by members or employes of the House be made under the direction of the Committee on Contingent Expenses.

Resolved, That the chairman of the Committee on Contingent Expenses be authorized to rent typewriters for the use of stenographers and Enrolling Clerk and Engrossing Clerk of the House and to purchase typewriter ribbons, the cost of same to be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms shall be the custodian of all stationery and stationery supplies required by the House; that said supplies be obtained and disposed of and accounted for by the Sergeant-at-Arms as provided by Rule 3, Section 4, of the Rules of the Thirty-ninth Legislature.

The resolution was read second time. Mr. Kittrell offered the following amendment to the resolution:

Amend the resolution by inserting in lieu of the figures "\$30," the figures "\$15."

On motion of Mr. Masterson, the amendment was tabled.

Mr. Finlay offered the following amendment to the resolution:

That each member be allowed telephone and telegraph expense to the amount of \$15 for the Regular Session, to be paid out of the contingent fund.

The amendment was adopted.

Question then recurring on the resolution, as amended, it was adopted.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, January 13, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. C. R. No. 4, Providing for time of counting votes cast for Governor and Lieutenant Governor.

Respectfully,  
MORRIS C. HANKINS,  
Assistant Secretary of the Senate.

#### RELATING TO VOTE FOR GOVERNOR AND LIEUTENANT GOVERNOR.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 4, Relating to vote for Governor and Lieutenant Governor.

Resolved by the Senate of Texas, the House of Representatives concurring, That there shall be held in the hall of the House of Representatives at 10:30 o'clock a. m., Monday, January 17th, 1927, a joint session of the Legislature for the purpose of receiving and considering the returns of the election for the executive officers of the State of Texas, and opening said returns and publishing said returns and the results thereof, in the presence of both houses of the Legislature, and for the further purpose of then and there determining what persons received the highest number of votes for the said respective executive offices of the State of Texas, and for the further purpose of making declaration as to the election of said executive officers of the State of Texas.

The resolution was read second time and was adopted.

#### PROVIDING FOR PRINTING IN THE JOURNAL THE DEMOCRATIC PLATFORM.

Mr. Tillotson offered the following resolution:

Whereas, The platform of the Demo-

cratic Party in Texas, adopted in biennial session assembled, constitutes an expression of the Democracy of the State upon questions of public policy, and carries its recommendations to the party adherents in the Legislature; therefore, be it

Resolved by the House of Representatives, That the platform of the Democratic Party adopted in the 1926 convention be printed in the House Journal.

Signed—Tillotson, Fly.

The resolution was read second time and was adopted.

#### PLATFORM OF DEMOCRATIC PARTY OF TEXAS.

Full text of the platform adopted by the Democratic Party of Texas at the State convention in San Antonio is as follows:

The Democratic Party of Texas, in convention assembled, reaffirms its devotion to the ancient tenets of the party, the ideals of personal and political freedom responsible for its long life, and the principles of free government, which it has upheld in the government of the State and of the United States. We point with pride to the traditions of the Democratic Party, the record it has made whenever intrusted with the conduct of the national government, and its record in the administration of State affairs in Texas.

The Democratic Party now declares for the principle of equal, exact and impartial justice to all men under the Constitution and the law; for equality of opportunity to every citizen within the land, regardless of race, religious belief or place of birth; for the support of the State government in all its rights with careful protection of the principle; of local self-government; for the principle of the sovereignty of the States of this republic; for the preservation and support of the general government in its constitutional vigor, with jealous regard for the separation of the functions assigned to the United States and the States, respectively, for a strong State government, which shall be maintained independently, within constitutional limitations, without undue Federal interference; for the co-operation with the Federal government wherever concurrent power is reported in the States and in the United States; for comity among several states, in accordance with the law and the long established principles governing their relation with each other. We believe in a jealous care for the right

of election by the people, and acquiescence in the decision of the majority. We believe in the fostering and encouragement of public education, that information may be diffused generally among the citizenship. We reaffirm our belief in the supremacy of the civil over the military authority. We especially declare for honesty and for the most rigid economy in the public expense consistent with the efficient administration of government; for the honest payment of the public debts and the sacred preservation of the public faith. We favor the encouragement of agriculture and the development of the resources of our State. We declare again for freedom of religion, freedom of the press, and freedom of the person under the guarantees made secure by the Bill of Rights and the Constitution, and for the preservation of property rights and the enforcement of the law through its regular and orderly processes. We believe that the purposes of government can be better attained through a few wise laws wisely and justly administered than through the regulation of every detail of human conduct by statutory enactment. We believe that the happiness, peace and prosperity of the citizenship is best promoted and best secured by "a wise and frugal government which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits, industries and improvements and shall not take from the mouth of labor the bread which it has earned."

The Democratic Party stands opposed to any form of despotic or tyrannical government, and believes that the security of liberty and free government is best protected by encouraging respect for obedience to the Constitution of the State and Nation. We stand opposed to the centralization of power, either in Washington or Austin, as contrary to the principles of Democracy and as calculated to destroy representative government and create waste and extravagance, believing that the maintenance of our free institutions and the perpetuity of the union and our liberty depend upon the right of local self-government.

#### Nature of Public Office.

We hold that public office is a public trust, and that public officers, who have no more power than is granted to them by the Constitution and the law, are the servants and not the masters of the people with whose government

they are intrusted. All public officeholders should make the Constitution the touchstone of their official acts, and they should neither claim nor attempt to exercise any greater authority than is conferred upon them under the Constitution and the statutes enacted pursuant thereto. In the administration of governmental affairs, full recognition should be given to the authority of its three co-ordinate and distinct departments of government, and the principle of their independence should be in all things recognized and respected.

Public officers should be protected in the discharge of their duties from the use of influence by members of other departments of government, or officers of the same department, and members of one department of the government should not seek, for private purposes, to influence the conduct of members of another department or of other divisions of the same department. To this end, we believe the Legislature should enact a law forbidding public officers from representing, for hire or compensation, corporate or individual interests which may have business with any department of the State government.

#### Responsible Government.

We declare as a principle of the Democratic Party and as fundamental to free government that the power of public office shall be entrusted to the hands of none but the public official chosen in the manner and form provided by law, and accountable to the people and to the law for the manner in which the affairs of office are administered. Therefore, the Democratic Party believes in responsible government by duly and legally elected and appointed governmental officials, accountable to the people for the manner in which they exercise the powers of office and accountable to the law for any violation of the public trust reposed in the office which they hold. We deprecate the delegation of official power to private persons not holding public office, as contrary to the principles of the Democratic Party, as opposed to the fundamental ideas of free government, as contrary to the spirit and genius of the Constitution, and in derogation of the public weal. And we believe that all people believing in free government must recognize that a situation which permits a private citizen, without accountability to the people or to the law, to hold and exercise the power of public office, makes way for some despot to seize the reins of empire, and when carried to its logi-

cal end means the destruction of free government and the liberty of the citizens.

#### Expenditures of Public Funds.

The people have no security that their tax money will be honestly and economically expended, except in the fidelity of their public officials. When officers of the government are by law made the custodians of public funds, or entrusted with the power to incur liability against the public treasury, they occupy a fiduciary relation to the State of Texas and the people thereof, and are invested with the special trust and confidence that their powers shall be exercised with a due regard for economy and efficiency; and that they shall not authorize the payment of any sum of money from the treasury, except for value received, and as a reasonable compensation for services performed or materials furnished. Where the authorization of expenditures for public purposes necessarily involves discretion on the part of public officers, such discretion is to be exercised in the interest of the people of the State; and we condemn extravagance in the use of public funds and the abuse of discretion in regard to the expenditure thereof. The Democratic Party takes the position that for every dollar of public money expended, a dollar of value should be received. The officers of government should administer their respective offices without regard for personal obligations, and without regard for personal favoritism; and we condemn the practice of using the power of public office for rewarding personal or political friends, or the punishment of personal or political enemies, as contrary to the principles of Democracy and as against the best interests of the people.

#### Civil Service.

We believe that those who direct the governmental policies should be responsible to public opinion; that appointive heads of departments should be subject to change with changing administrations, and only those whose political views are in line with the prevailing popular will should formulate the political policies controlling the operations of government. This principle, however, does not extend to subordinate employes, and particularly to those places under the government requiring technical knowledge and skill, and we believe that greater efficiency in the administration of the government would be insured through the enactment of a clas-

sified civil service act which should protect technical experts in the service of the State and subordinate employes, who have attained experience in their respective departments, by securing their tenure through changing administrations. The use of political appointees and State employes by public officials as a political machine is a wicked and pernicious practice, which the Democratic Party condemns, and we believe that a classified civil service act would protect the public from such attempts to construct political machines.

#### The Pardon Power.

The Democratic Party declares that this government is one of laws, to be administered according to the Constitution and the statutes, through the orderly processes prescribed by the people and the Legislature. The protection of the people and of their persons and property lies only in the enforcement of the law regulating the conduct of persons and corporations. A large statute book does not necessarily denote wholesome and well administered laws. To keep the law respected, the law must be kept respectable. We favor the correction of defects in existing laws, the repeal of such laws as may have become useless and antiquated, and stand for the fair and impartial enforcement of all laws. We stand for the courthouse and the regularly selected officers of the law as the proper place and the proper persons to enforce the law; and we are unalterably opposed to mob violence in the name of law enforcement. We believe that one of the duties of good citizenship is to maintain and support the officers of the law in their efforts at its enforcement. We assure all men that in Texas there is justice and equality before the law, that personal rights and property rights are maintained and made safe within her borders by a just enforcement of the law, and that peace and quiet is made secure through a general confidence in the public respect for the laws of the land.

We believe that the provision in the Constitution placing the pardon power in the chief executive is a wise provision of the Constitution, but we are opposed to the indiscriminate use of that power. We believe that the practice of granting pardons in great numbers to convicted criminals hinders the proper enforcement of our criminal laws by discouraging the efforts of our peace officers and prosecuting attorneys and creating a disfavor in the jury box towards convictions. We believe in the

reasonable exercise of the pardoning power, and that applications for pardons should be considered only upon their merits. A primary duty of the chief executive is to cause the laws to be faithfully executed, and we do not believe that a too liberal exercise of the pardoning power is consistent with the discharge of this constitutional duty. We, therefore, call upon the chief executive to exercise discretion in the use of the pardoning power and to see that this prerogative is exercised consistently with the proper enforcement of the law and not in such a manner as to menace the enforcement of the law, work a danger to society generally, and constitute a thrust at our system of administering justice.

#### Prohibition.

The settled policy of the State looks to the destruction of the traffic in alcoholic liquors. We call upon all officers of the government to support this settled policy by personal and public conduct. We submit to the liberty loving and law abiding citizens of this State that no law can be ignored except at the cost of public integrity, and that the disobedience of any law by common consent of the general public, if carried to its logical conclusion, would establish a precedent that might be pleaded in defense of anarchy. We, therefore, call upon the citizenship of this State to show respect for and obedience to all laws.

We are opposed to any repeal or modification of our existing statutes prohibiting the traffic in alcoholic liquors, and we favor the fair, rigid and impartial enforcement of these laws and all other laws.

#### Official Salaries.

The salaries now provided by law for many of our public officials are incommensurate with the dignity and duties of the office, and almost bar from public office citizens not possessed of independent wealth. Provision should be made by the Legislature and the people for the adequate compensation for the officers of the government. However, by means of fees provided by law, the compensation of some officers is in excess of a fair compensation, and further provision should be made by the Legislature for the payment of such excessive fees into the public treasury.

#### Bureaus and Commissions.

We are opposed to the creation of additional government bureaus and

commissions which involve new burdens upon the public revenue. Whenever additional governmental duties are undertaken they should be assigned to existing departments and provision should be made by the exaction of fees from persons and corporations affected to make self-supporting any such governmental activities as may be hereafter undertaken.

#### Public Utilities.

We believe in the government exercising control over public utilities and all classes of public concerns. The power to control and regulate and fix rates of compensation for public utilities is inherent in the government. We believe that the right of supervision in these matters should be vested in agencies of the government now existing, and that no necessity exists for the creation of any additional bureaus or commissions for that purpose.

#### Motor Transportation.

We favor the making of motor vehicles engaged in the transportation of passengers subject to the reasonable control of the State Railroad Commission. The public is entitled to the best and cheapest means of transportation which may be available, and the reasonable regulation of motor transportation by the Railroad Commission would increase safety and insure that only just and proper rates and fares would be charged.

#### Election Laws.

Our primary election laws do not afford the best means of intelligent selection of public officers through a majority of the people, and attention should be given by the next Legislature to a revision of the statutes regulating primary elections, to better secure the will of the people in the selection of public officials. The condition of these laws deters many able and honorable men from aspiring to positions of public usefulness, and we believe that the best interests of the State would be served by needed corrections in these laws.

#### Judicial Reform.

We believe that reforms in our judiciary can hasten the course of justice and can relieve the State and litigants of delay and costs incident to court procedure. We call upon the Legislature and executive to consider carefully reforms in our judiciary designed to result in the speedy disposition of cases

and greater certainty of punishment for crimes committed against the State. Judicial reform can reduce the expense of litigation so that poverty shall be no insuperable obstacle to the attainment of justice, and the structure of our courts will not retard the administration of the law. We urge reforms in procedure affecting both civil and criminal cases that will more nearly insure speedy and exact justice to rich and poor alike. The simplification of our civil and criminal procedure, so as to promote the quick and speedy administration of justice, with full protection to litigants in the enjoyment of their constitutional and statutory rights is essential to the adequate enforcement of the law, and the proper administration of justice, and we favor reforms, both in our judicial system and in procedure.

We believe it necessary that the membership of the Supreme Court be increased, and that court be given the power to formulate rules of procedure affecting civil cases.

#### Bond Validation.

We declare our adherence to the principle of the preservation of the public faith and the protection of the public credit through the honest payment of the public debt. Within recent months the Supreme Court of the United States has held a statute of this State authorizing the creation of road districts and the bonded indebtedness thereof to be in violation of the Constitution of the United States. Many such road districts have been created under the law and bonded indebtedness incurred for which the districts have received valuable improvements. These bonds were issued in good faith and sold in good faith, and we declare that the bonds so issued represent a just and honest public debt, and we call upon the Legislature of Texas, which is shortly to convene, to enact immediately such legislation as shall validate these outstanding bonds and restore the public credit of this State and the subdivisions thereof.

#### Public Schools.

Our Constitution declares that "a general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools." Free public education is a

primary duty of government, and public schools should be in all things generously maintained and supported. We declare for such revision of our laws relating to public education as shall insure an equality of educational opportunities to all children of Texas, regardless of whether they live in cities, in towns or rural communities; and especially do we favor such revision of our laws as will make possible the establishment of centrally located high schools in the rural communities of this State to insure that the boys and girls living outside the cities will have an equal opportunity in the matter of securing a high school education.

Experience has demonstrated that a stabilized minimum per capita school apportionment of \$15 must be provided year by year, besides an adequate appropriation of an equalization fund to aid the rural schools if an efficient school system is maintained and equal educational opportunities are afforded to all the children of all the people.

The revenue now available for the support of the schools for the next ensuing scholastic year appears insufficient to provide for the maintenance and support of an efficient system of public free schools, for the period of time contemplated by the Constitution. We recommend that the Legislature supplement the revenues of the public schools to such extent as may be found necessary and by such means as shall be by them found most practicable, to the end that the school children of this State may not suffer by reason of a short school term.

The Educational Survey Commission authorized by the Thirty-ninth Legislature, has filed its report. In order that our people may profit from the results of its investigation, the Fortieth Legislature is urged to give its suggestions very careful consideration.

We favor corrections in the free textbook law, and are opposed to the frequent and extensive change of textbooks, resulting in tremendous cost to the people, and believe that this money should be saved and restored to the school fund to help educate the youth of this State.

#### Higher Education.

We believe in the liberal support of our institutions of higher learning. Their existence and support by the State encourages our youth to seek the highest educational advantages and train themselves for leadership in public activities

and the vocations of private life and to become more productive citizens. "In the rapid strides Texas is making for leadership among the States of the Union, it is important that we shall have places of learning for our future statesmen, scientists and men and women of arts, farmers and stockmen in Texas and under the control and jurisdiction," and these institutions of higher learning should be so sustained that there will be no necessity for the young men and women of Texas to seek a college education beyond the borders of our State.

Sources of revenue should be found to adequately support our institutions of higher learning and their work and course of instruction should be scientifically co-ordinated to the end that duplication of the work would be eliminated.

#### Highways.

With the development of transportation facilities for communication between the different localities of our State, it has become necessary to establish and maintain a system of State highways. This system is yet incomplete, and its development and proper maintenance will require the expenditure of large sums of money. We believe in a correlated system of State highways, and that same should be efficiently maintained. Attention should likewise be given to the construction and maintenance of lateral roads for the convenience of those engaged in our basic industry of agriculture who do not live on highways but who are taxed to build and maintain the highways. We believe that there should be proper division of authority and separation of duties between the State and the counties, respectively, that wherever found practicable, the State and county authorities should operate in the maintenance of highways and that the people of the counties should be given representation in determining policies to be adopted with reference to the construction of State highways through their respective counties. The extent of the system of State highways must necessarily be limited by the revenues available to the State, and in the matter of designating and establishing State highways the governmental authorities should proceed upon a carefully determined plan, which should not involve burdens upon the State revenues incommensurate with the amount of funds available. Wherever contracts are awarded in connection with the administration of the Highway De-

partment, such contracts should be let only upon competitive bids and jealous care should be exercised that such contracts provide no more than a reasonable compensation to the contractor, and, if practicable, the basis of payment should be upon the unit of labor performed or material furnished.

#### Capital and Labor.

Capital creates the demand for labor and labor makes possible the accumulation of capital. We believe that labor and capital should have fair treatment by the government, and we believe that the rights of each should be justly respected and protected. We favor the enactment of laws which will safeguard the health and lives of working men in their employment.

#### Secret Political Societies.

The Democratic Party stands irrevocably committed to the principle of freedom in the matter of religious worship as a requisite of free government and as a sacred right guaranteed to the people in the Bill of Rights of both the State and Federal Constitution. History and experience of mankind demonstrate the right and wisdom of this policy of the party. We believe, with Thomas Jefferson, that "no man should labor under any civil or political disability because of religious convictions."

Any character of secret political society or attempt to secretly control the political affairs or elections of the people, is and always has been, abhorred by the Democratic Party as dangerous to free government and calculated to destroy and overthrow free institutions. We present to the citizens of Texas that the participation of secret societies in the public affairs and policies of this State has resulted in injury to Texas and embarrassment to her people. It has engendered bitterness and dissension where the public good demanded friendship and union, and in all good conscience it ought to end.

#### Prison Reform.

We favor prison reform and an economical administration of prison affairs, and we indorse the constitutional amendment submitted to the voters of Texas which has as its purpose the change of the form of prison management and favor its adoption by the people.

#### Legislative Investigation.

We favor an investigation of all departments of the government, and espe-

cially of highway contracts let by the Highway Commission in 1925 and 1926, to be conducted by the Fortieth Legislature, coming fresh from the people.

#### Agricultural Industry.

The State is enjoying a period of general prosperity, but this increased property has not extended to the agricultural industry. Consideration should be given by the Legislature and the Executive to means for improving agricultural conditions. Every effort should be made by our State government, consistent with the Constitution, to alleviate depression in agriculture and rural living conditions. Proper support should be given the Department of Agriculture in the functions assigned to it by law, and to our agricultural colleges in their proper sphere.

We earnestly urge our members of Congress (Senators and Representatives) to redouble their efforts to bring about such repeal or amendment of the Tariff Act as to speedily reduce the unfair and inequitable burdens which it imposes upon agricultural classes, and we insist that efforts be made at once to reduce the unjust and burdensome transportation rates now imposed upon agricultural products and live stock.

We rejoice in the industrial development of our State and believe that the State should give every lawful encouragement to the investment of capital and the development of industry. We welcome foreign capital, insisting only that those who come into the State to pursue their business shall render such homage to its laws as is required of our own citizens. We believe in the proper regulation of corporate enterprise to the extent that the corporate fiction shall not be abused.

#### Taxation.

We believe that the hope for reduction of taxes lies in the equalization of the burdens of taxation and the practice of economy in government. "The way to perplexing extravagance is easy, but the return to frugality is difficult," and we enjoin upon our nominees and all public officers the practice of the most rigid economy in the expenditure of public money consistent with the public good. We believe the Legislature should develop and enact into law a well-devised, scientific system of taxation to insure that the burdens of taxation will be lightened.

#### Libel Law.

We favor amendments to the libel law of the State which will protect the

press in conveying information to the public and will remove the present limitation placed upon the freedom of the press.

**"Honest and Efficient Economy."**

The Democratic Party does not advocate the incumbrance of our Civil and Criminal Codes with any great number of additional statutes. On the contrary, we believe that the requirements of the times demand the simplification of the law, not the promiscuous enactment of new legislation. The exaction of greater tribute by way of taxes levied and collected than is necessary for the efficient and economical administration of the government is not to be sanctioned by the law. We believe the present evils of the body politic can be largely cured through the proper administration of existing laws. We call upon the proper officials of Texas to use every effort toward the ultimate degree of frugality in administration which may be consistent with the efficient discharge of the functions of government. To the practice of honest and efficient economy the party lays a mandate upon the candidates for office whom it has duly nominated, and dedicates its conduct of the government.

**TO ASK CONGRESS TO REPEAL INHERITANCE TAX LAW.**

Mr. Stevenson offered the following resolution:

H. C. R. No. 1, Asking Congress to repeal Federal Inheritance Tax law.

Whereas, The Federal Estate (Inheritance) Tax Law, as amended February 26, 1926, provides that all estates liable thereunder, shall be credited with any inheritance tax paid by its beneficiaries to the State, or States; the credit to equal eighty per cent of the Federal levy; and

Whereas, This amendment encroaches upon the rights of the States to raise their own revenue as the wisdom of their legislators may direct, because its object is to persuade them to abandon their State inheritance tax laws in favor of statutes based upon the Federal law. The tax not being required by the Federal government for revenue at this time, its only object now must be to force uniformity of this tax in all of the States; therefore, be it

Resolved by the House of Representatives of the Fortieth Legislature, the Senate concurring, We hereby request the present Congress to immediately repeal the Federal Estate (Inheri-

tance) Tax provisions of the Revenue Law, effective February 26, 1926, and abandon this field of taxation and leave this source of revenue for the State Legislatures of the various States to deal with as they may see fit; be it further

Resolved, That copies of this resolution be forwarded to our Senators and Representatives in the Congress of the United States.

The resolution was read second time and was adopted.

(Speaker in the chair.)

**RELATING TO FEDERAL AGRICULTURAL LEGISLATION.**

Mr. Tillotson offered the following resolution:

H. C. R. No. 2, Relating to Federal Agricultural Legislation.

Whereas, In recognition of the universal acceptance by every progressive people that agricultural industry represents the foundation of all real progress by the social body, governments have come to lend their just powers and influence to conserve the integrity and stability of farming enterprise in its various forms as a necessary service for the protection and promotion of public welfare; and

Whereas, Agencies created by and under the just powers and authority of the government of the United States, and functioning under proper governmental supervision, in accordance with a judicious public policy, have developed conditions tending to the intelligent mobilization of the nation's credit resources; for the determination of the great transportation and labor problems of the country; and for the well-being of commerce and manufactures; and

Whereas, Agricultural industry, the greatest of all the nation's enterprises and the foundation of national security, prosperity and development, is without the equal recognition and the co-operating and directing services which the national authority and influence may justly lend; therefore, be it

Resolved by the Legislature of Texas, That we respectfully and earnestly commend to the favorable consideration of the Congress of the United States the need for the creation at the earliest practicable time of such judiciously devised and well-balanced agencies for the accomplishment of the stabilization and well-being of essential agricultural industry of the nation; to the end that the great problems of sound economic agricultural production and judicious distribution and stimulus to more gen-

eral beneficial utilization, may have the most intelligent and capable co-operation and direction in their adjustment to the welfare of the country, and may exercise the fullest measure of their influence upon the security of agricultural enterprise.

Resolved, That a copy of this resolution, duly attested, be transmitted by the Chief Clerk of the House to the Honorable President of the Senate of the United States; to the Honorable Speaker of the House of Representatives of the Congress of the United States; the Honorable Secretary of Agriculture of the United States; and to each member of the Texas delegation in the Congress.

Signed—Tillotson, Veatch, Williams of Travis, Wallace of Freestone.

The resolution was read second time.

On motion of Mr. Tillotson, the resolution was referred to the Committee on Agriculture.

#### EMPLOYES OF THE HOUSE.

The Speaker announced the appointment of the following employees of the House:

Pages—Bill Leonard, Sterling Odell

Strong, Thomas Latulle, William Nabors, Sumner Ramsey, Benny Kritz, James Wigington, Chester Wentworth, Lamar Acker Zivley, Dick Parks, Jr., Robert Pierce, Martin Wukasch, John Ferguson, Eugene Townsend, Hy Gates Stein, Stanley Spore, Baker Mallett, Langston Smith, DeWard Childre, James Gardner, Chas. Kramer, Jr., John Howard Payne.

#### Special Pages.

Doorkeeper's page, Jack Faulkner.

Sergeant-at-Arms Room, Bill Davis and John D. Rogers.

Engrossing and Enrolling Room, Stanley Pennington.

Stenographers' page, Aaron Taylor.

Calendar Clerk's page, Bert Smith.

Messenger to carry papers to Confederate Home, B. W. Thompson.

Messenger to carry papers to Confederate Women's Home, J. M. Parnell.

Warrant Clerk, Miss Susie Rudasill.

Mailing Clerk, Miss Grace Carothers.

#### ADJOURNMENT.

On motion of Mr. Teer, the House, at 3:50 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

In Memory  
of  
Hon. W. W. Dillard

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Mr. Gibson offered the following resolution:

Whereas, Word has been received of the death of Judge W. W. Dillard at the Confederate Home in Austin; and

Whereas, The name of Judge Dillard has been identified with the history of Texas for more than half a century as a soldier, as a lawyer, as a member of this body and as a member of the Constitutional Convention of 1875; and

Whereas, We have lost in Judge Dillard one of those typical Southern gentlemen whose sterling character and conscientious conception of duty has illumined the pages of history of Texas and the South; therefore be it

Resolved by the House of Representatives, That by this token we express our heartfelt regrets at the passing of one of the sons of the Old South; that this resolution be printed in the Journal; that a copy be sent to the Marshall Morning News, and that when we adjourn today it be in his honor.

GIBSON,  
SMITH of Smith,  
WOODALL,  
SIMMONS.

The resolution was read second time and was adopted by a rising vote.

**In Memory**  
**of**  
**Hon. R. M. Chitwood**

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Mr. Hall offered the following resolution:

Whereas, The Hon. R. M. Chitwood of Nolan county, Texas, member of the House of Representatives of the Thirty-seventh, Thirty-eighth and Thirty-ninth Legislatures, has been called by our Heavenly Father to his final reward; and

Whereas, The State has lost an honorable, upright and useful citizen; and

Whereas, He was an outstanding public official, fair and fearless in the discharge of public duty, honored by his home people; and

Whereas, He has served with honor and credit to his State and country in his public career; and

Whereas, His death is a great loss to the people of this State; therefore be it

Resolved, At this time at the opening of the Fortieth Legislature a page of the Journal be dedicated to his memory and that when the House adjourns this afternoon it shall be out of respect to our departed and beloved member, and that a copy of this resolution be sent to each of his family.

HALL,  
STEVENSON,  
MERRITT,  
CUMMINGS.

The resolution was read second time and was adopted by a rising vote.

In Memory  
of  
Hon. E. Winfree

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Mr. Long offered the following resolution:

Whereas, Word has been received in Austin of the death of Judge E. Winfree at his home in Houston; and

Whereas, For more than half a century Judge Winfree has been one of the outstanding citizens of Texas; and

Whereas, Much of the history of this State, especially Eastern Texas, has been enriched by his life and character. For more than twenty-six years he was County Judge and County School Superintendent of his adopted county, Houston, and was an honored member of this body, and for six years he served with conspicuous ability as Superintendent of the Old Men's Confederate Home in Austin. He was one of the few remaining ex-Confederate veterans who surrendered with Lee at Appomattox Courthouse, April, 1865.

Resolved by the House of Representatives, Senate of the Fortieth Legislature concurring, That we express our sympathy to the family and relatives of the deceased; and be it further

Resolved, That the Chief Clerk of the House be instructed to send an enrolled copy of this resolution to the family of the deceased, and a page in the House Journal be set aside in his honor.

The resolution was read second time and was adopted by a rising vote.